

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MINNIE MYLINA POTTER,

Plaintiff,

v.

Case No. 5:23-CV-1332-JKP-ESC


SOUTH UNIVERSITY
c/o Corporation Service Company,

Defendant.

ORDER OF DISMISSAL

Before the Court is a filing by the pro se Plaintiff titled, "Cancel Case." *See* ECF No. 43. The filing has been docketed as a motion to dismiss, and Plaintiff requests that the Court cancel her case, not due to a lack of evidence but due to a lack of time on her part. The Court appropriately construes the filing as a motion seeking dismissal of this case pursuant to Fed. R. Civ. P. 41(a)(2). That rule provides for dismissal by court order upon a plaintiff's request "on terms that the court considers proper." Defendant has filed no response to the filing and the time for doing so has passed. When there is no timely response, "the court may grant the motion as unopposed." *See* W.D. Tex. Civ. R. 7(d)(2). By failing to respond to Plaintiff's attempt to voluntarily dismiss this action, Defendant indicates that it has no opposition to dismissal of the case. The Court **GRANTS** the motion to dismiss and **DISMISSES** this action without prejudice. The Court **FINDS** such dismissal proper under the circumstances. **The Clerk of Court is DIRECTED to close this case.**

SIGNED this 19th day of July 2024.


JASON PULLIAM
UNITED STATES DISTRICT JUDGE